

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 77, “Conditions of Participation for Providers of Medical and Remedial Care,” Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” and Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code.

These amendments create a new Medicaid provider type for speech-language pathologists in independent practice. 2012 Iowa Acts, Senate File 2158, as enacted by the Eighty-fourth General Assembly, directs the Department to adopt rules that permit the enrollment in the Medicaid program of speech pathologists in independent practice. Access to speech-language therapy services has been identified as a problem in some areas of the state. Medicare allows for participation of speech-language pathologists practicing independently from a hospital, physician, nursing home or home health agency. Neighboring states allow for enrollment in their Medicaid programs of speech-language pathologists in independent practice.

Any interested person may make written comments on the proposed amendments on or before July 31, 2012. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 249A.4 and 2012 Iowa Acts, Senate File 2158.

The following amendments are proposed.

ITEM 1. Adopt the following **new** rule 441—77.48(249A):

441—77.48(249A) Speech-language pathologists. Speech-language pathologists are eligible to participate in the Medicaid program if they are licensed and in private practice independent of the administrative and professional control of an employer such as a physician, institution, or rehabilitation agency. Licensed speech-language pathologists in an independent group practice are eligible to enroll.

77.48(1) Speech-language pathologists in another state are eligible to participate if they are licensed in that state and meet the Medicare criteria for enrollment.

77.48(2) Speech-language pathologists who provide services to Medicaid members who are also Medicare beneficiaries must be enrolled in the Medicare program.

This rule is intended to implement Iowa Code section 249A.4 and 2012 Iowa Acts, Senate File 2158.

ITEM 2. Adopt the following **new** rule 441—78.54(249A):

441—78.54(249A) Speech-language pathology services. Payment will be approved for the same services provided by a speech-language pathologist that are payable under Title XVIII of the Social Security Act (Medicare).

This rule is intended to implement Iowa Code section 249A.4 and 2012 Iowa Acts, Senate File 2158.

ITEM 3. Amend subrule **79.1(2)** by adopting the following **new** provider category:

<u>Provider category</u>	<u>Basis of reimbursement</u>	<u>Upper limit</u>
Speech-language pathologist	Fee schedule	Medicare fee schedule.